AO 245B (Rev. 09/19) Judgment in a Criminal Case Sheet 1

(form modified within District on Sept. 30, 2019)

# UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA v.	JUDGMENT IN	JUDGMENT IN A CRIMINAL CASE					
OSCAR VALDEZ-GARCIA	) Case Number: 1:16-	) Case Number: 1:16-CR-387-4 (JMF)					
	USM Number: 3822	29-069					
	) ) David M Stern						
THE DEFENDANT:	Defendant's Attorney						
✓ pleaded guilty to count(s) 1-4 of the S8 Information							
pleaded nolo contendere to count(s) which was accepted by the court.							
was found guilty on count(s) after a plea of not guilty.							
The defendant is adjudicated guilty of these offenses:							
<u> Nature of Offense</u>		Offense Ended	<b>Count</b>				
18 USC § 1962 RACKETEERING CONSPIRA	ACY	5/2/2017	1ssss				
21 USC § 846 CONSPIRACY TO DISTRIB	UTE NARCOTICS	5/2/2017	2ssss				
18 USC § 371 CONSPIRACY TO DEFRAU	D THE UNITED STATES (MUR	5/2/2017	3-4ssss				
The defendant is sentenced as provided in pages 2 through Sentencing Reform Act of 1984.	igh 7 of this judgment	. The sentence is imp	posed pursuant to				
The defendant has been found not guilty on count(s)							
✓ Count(s) All open counts ☐ is	$ \mathbf{\nabla} $ are dismissed on the motion of the	United States.					
It is ordered that the defendant must notify the United Spread and mailing address until all fines, restitution, costs, and special as the defendant must notify the court and United States attorney	States attorney for this district within assessments imposed by this judgment of material changes in economic circ	30 days of any change are fully paid. If order umstances.	e of name, residence, red to pay restitution,				
		8/16/2022					
	Date of Imposition of Judgment	enton					
	Signature of Judge						
	Hon. Jesse Name and Title of Judge	M. Furman U.S.D.	J.				
	•						
	Date	8/16/2022					

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AO 245B (Rev. 09/19) Judgment in Criminal Case Sheet 2 — Imprisonment

DEFENDANT: OSCAR VALDEZ-GARCIA CASE NUMBER: 1:16-CR-387-4 (JMF)

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## **IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a

	of: of: hereby committed to the custody of the read and parents of the impresence for a more of:
Ø	The court makes the following recommendations to the Bureau of Prisons:  The Court recommends that the defendant be incarcerated in a facility as close to Florida as possible - or, if that is not feasible, as close to Ohio as possible - to maintain his family ties. It is also recommended that the defendant participate in the BOP residential drug abuse treatment program, commonly referred to as the 500-hour substance abuse program, or any BOP drug treatment program for which he is eligible.
$\checkmark$	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	$\hfill \Box$ at $\hfill \Box$ a.m. $\hfill \Box$ p.m. on $\hfill \Box$ .
	as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	□ before 2 p.m. on
	as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have ex	xecuted this judgment as follows:
	Defendant delivered on to
at	, with a certified copy of this judgment.
at	, with a certified copy of this judgment.
	UNITED STATES MARSHAL
	Ву
	DEPUTY UNITED STATES MARSHAL

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AO 245B (Rev. 09/19) Judgment in a Criminal Case Sheet 3 — Supervised Release

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DEFENDANT: OSCAR VALDEZ-GARCIA CASE NUMBER: 1:16-CR-387-4 (JMF)

## SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 years.

## **MANDATORY CONDITIONS**

1.	You must not commit another federal, state or local crime.
2.	You must not unlawfully possess a controlled substance.
3.	You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
	☐ The above drug testing condition is suspended, based on the court's determination that you
	pose a low risk of future substance abuse. (check if applicable)
4.	☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5.	✓ You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
6.	☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
7.	☐ You must participate in an approved program for domestic violence. (check if applicable)

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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AO 245B (Rev. 09/19) Judgment in a Criminal Case Sheet 3A — Supervised Release

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DEFENDANT: OSCAR VALDEZ-GARCIA CASE NUMBER: 1:16-CR-387-4 (JMF)

#### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4. You must answer truthfully the questions asked by your probation officer.
- 5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12. You must follow the instructions of the probation officer related to the conditions of supervision.

# **U.S. Probation Office Use Only**

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this	3
judgment containing these conditions. For further information regarding these conditions, see Overview of Probation and Supervis	ed
Release Conditions, available at: www.uscourts.gov.	

Defendant's Signature	Date	
	_	

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#### ADDITIONAL SUPERVISED RELEASE TERMS

- 1. You shall submit your person, and any property, residence, vehicle, papers, computer, other electronic communication, data storage devices, cloud storage or media, and effects to a search by any United States Probation Officer, and if needed, with the assistance of any law enforcement. The search is to be conducted when there is reasonable suspicion concerning violation of a condition of supervision or unlawful conduct by the person being supervised. Failure to submit to a search may be grounds for revocation of release. You shall warn any other occupants that the premises may be subject to searches pursuant to this condition. Any search shall be conducted at a reasonable time and in a reasonable manner.
- 2. You will participate in an outpatient treatment program approved by the United States Probation Office, which program may include testing to determine whether you have reverted to using drugs or alcohol. You must contribute to the cost of services rendered based on your ability to pay and the availability of third-party payments. The Court authorizes the release of available drug treatment evaluations and reports, including the presentence investigation report, to the substance use disorder treatment provider.
- 3. You shall be supervised in the district of your residence.

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Sheet 5 — Criminal Monetary Penalties

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DEFENDANT: OSCAR VALDEZ-GARCIA CASE NUMBER: 1:16-CR-387-4 (JMF)

#### **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TO	ΓALS	** \frac{\text{Assessment}}{400.00}	<b>Restitution</b>	<u>Fi</u>	<u>ne</u>	* AVAA Assessment*	\$\frac{\text{JVTA Assessment**}}{\text{\$^*}}
Ø		mination of restitution	-	11/14/202	. An Amer	nded Judgment in a Crimin	al Case (AO 245C) will be
	The defen	dant must make rest	itution (including co	ommunity res	stitution) to	the following payees in the a	mount listed below.
	If the defe the priorit before the	ndant makes a partia y order or percentag United States is pai	ll payment, each pa e payment column d.	yee shall rece below. How	eive an appro ever, pursua	oximately proportioned payment to 18 U.S.C. § 3664(i), all	ent, unless specified otherwise in nonfederal victims must be paid
<u>Nan</u>	ne of Paye	<u>e</u>		Total Loss	***	Restitution Ordered	<b>Priority or Percentage</b>
10	TALS	\$		0.00	\$	0.00	
	Restitutio	on amount ordered p	ursuant to plea agre	eement \$			
	fifteenth		the judgment, purs	uant to 18 U.	S.C. § 3612		fine is paid in full before the ns on Sheet 6 may be subject
	The cour	t determined that the	defendant does no	t have the ab	ility to pay i	nterest and it is ordered that:	
		nterest requirement		fine	restituti		
	☐ the 11	nterest requirement	for the  fine	∐ restit	tution is mo	dified as follows:	

<sup>\*</sup> Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Sheet 6 — Schedule of Payments AO 245B (Rev. 09/19)

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## **SCHEDULE OF PAYMENTS**

Hav	ing a	assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A		Lump sum payment of \$ _400.00 due immediately, balance due
		not later than , or in accordance with C, D, E, or F below; or
В		Payment to begin immediately (may be combined with $\Box$ C, $\Box$ D, or $\Box$ F below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F		Special instructions regarding the payment of criminal monetary penalties:
		ne court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during d of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate I Responsibility Program, are made to the clerk of the court.  Indant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Join	nt and Several
	Def	se Number fendant and Co-Defendant Names Iluding defendant number)  Joint and Several Corresponding Payee, if appropriate
	The	e defendant shall pay the cost of prosecution.
	The	e defendant shall pay the following court cost(s):
	The	e defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.